United Nations A/HRC/WG.6/22/AND/1

General Assembly

Distr.: General
11 February 2015
English
Original: Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Twenty-second session
4–15 May 2015

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Andorra

* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

GE.15-02244 (E) 120315 120315
1502244

Please recycle

Contents

		Paragraphs	*Page*
I.	Introduction: Situation and methodology	1–8	3
II.	Progress with regard to human rights	9–54	3
	A. Legislative amendments	9–29	3
	B. Human rights promotion and protection bodies	30–33	6
	C. International treaties	34–54	7
III.	Follow-up to the recommendations accepted by Andorra at the time of its first universal periodic review (36)	55–105	9
	A. Follow-up to programmes and international commitments in the field of human rights	55–65	9
	B. Children's rights	66–75	10
	C. Women's rights	76–89	13
	D. Rights of detained persons	90–93	15
	E. Labour and workers' rights	94–95	16
	F. Rights of persons with disabilities and other vulnerable groups	96–97	17
	G. Immigrants' rights	98–104	17
	H. Fight against organized crime	105	18
IV.	Conclusions	106–107	18

I. Introduction: Situation and methodology

1. The Principality of Andorra submitted its first report on the human rights situation as a part of the universal periodic review on 23 August 2010.[1]

2. The first review of the Principality of Andorra within the framework of the universal periodic review process was carried out on 3 November 2010. As part of that review, 59 recommendations were formulated, of which 36 were accepted, 21 were rejected and 2 remained pending.

3. At its thirty-second session, the Human Rights Council adopted the national report of the Principality of Andorra, in line with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1.

4. The Principality of Andorra submits its second report on the human rights situation in the country in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21.

5. The Department of Multilateral Affairs and Cooperation of the Ministry of Foreign Affairs was responsible for coordinating the preparation of the present report, in cooperation with the Ministry of Justice and Interior, the Ministry of Finance and Public Administration, the Ministry of Health and Welfare, the Ministry of Education and Youth and the Public Prosecution Service.

6. Prior to its final adoption by the Council of Ministers at a meeting held on 28 January 2015, a draft version of the present report was submitted to the *Consell General* (Parliament) and the *comuns* (parish councils) for comment. On 14 January 2015, the parish councils transmitted their observations and comments, which have been included in the report.

7. Civil society actors were also invited to participate in the universal periodic review process through the publication (in edition No. 36 of the Official Gazette of the Principality of Andorra, of 18 June 2014) of a notification on the review process and the deadline for the submission of related comments.

8. The present report was prepared in accordance with the general guidelines adopted by the Human Rights Council in its decision 17/119 of 19 June 2011. Following the introduction (contained in the first part of this document), the report focuses on progress made with regard to human rights, legislative amendments, the list of international human rights protection instruments signed or ratified during the period between the two review cycles and recently implemented policies. The second part of the report provides information on specific topics in response to the recommendations formulated at the time of the previous review. The final part of the report consists of the conclusions.

II. Progress with regard to human rights

A. Legislative amendments

1. Legislation in force, adopted during the 2010–2014 cycle

(a) Immigration and labour rights

9. Qualified Act No. 9/2012, adopted on 31 May 2012, amended the Qualified Act on Immigration (which replaced the previous immigration act) and Qualified Act No. 17/2006 of 30 November on passive (non-working) residence. The Act brought together the various

sets of rules on immigration in one unified act with the threefold aim of integrating the regulations on passive (non-working) residence, extending and complementing the legal framework relating to the various sets of rules on immigration and, lastly, providing clarification regarding certain aspects of the interpretation and implementation of the Act.

10. The structure of the population of the Principality of Andorra is distinctive in that Andorran nationals make up 46 per cent[2] of the total population. Prior to the adoption on 21 June 2012 of Act 10/2012 on foreign investment in the Principality of Andorra, foreign nationals living in the country had limited economic rights, some of which were only granted after a specific number of years of residence. Under the above-mentioned Act, once foreign nationals have obtained a residency permit, they are entitled to the full range of economic rights.

11. Economic activity in Andorra has been badly affected by the economic crisis, with job losses and a significant decrease in the resident population, which fell from 84,484 inhabitants in 2008 to 76,949 in 2014.[3] In order to improve the situation, on 16 February 2011 regulations on social security payments were adopted, introducing an involuntary unemployment benefit.[4] In addition, a number of employment-promotion programmes have been implemented, including a programme to promote the recruitment of unemployed workers on open-ended contracts;[5] a programme to promote employment and in-house training within companies;[6] a programme for temporary community service work in spheres falling under the mandates of the general administration and justice administration systems;[7] a programme for temporary community service work carried out under the auspices of Parliament, the parish councils, quasi-public bodies and State-owned enterprises;[8] and a programme to promote employment in geographically remote areas.[9] Lastly, on 19 January 2015 the Ministry of Education and Youth and the Ministry of Justice and Interior jointly submitted a plan to increase youth employment rates,[10] including a programme designed to meet the needs of persons aged 16 to 20 who have completed their studies and are unemployed.

(b) Social rights: protection of vulnerable groups and assistance for families

12. In order to help families cope with the hardship caused by the economic crisis, the Government cancelled rent increases through the budget acts for 2013,[11] 2014[12] and 2015, making use of the third additional provision of the Urban Property Leasing Act of 30 June 1999, which enables it to regulate and, if necessary, freeze consumer price index-linked rent increases. At the same time, despite the difficult economic situation, budget appropriations for the Ministry of Health and Welfare and the Ministry of Education and Youth have been maintained at the same level for the past few years.

13. Act No. 13/2013 on effective competition and consumer protection was adopted on 13 June 2013, with the clear aim of establishing a modern regulatory framework to protect the rights of consumers and service users. A set of regulations governing official consumer complaint and claim forms was subsequently adopted on 7 August 2013.

14. On 18 September 2013, a decree was adopted approving regulations on social security benefits. The regulations have been amended on several occasions since their initial approval on 19 November 2008. Under this most recent amendment, the age at which unemployment benefit payments may be extended was lowered from 55 to 50 years as part of the Government's efforts to tackle rising unemployment among persons 40 to 59 years of age.

15. Act No. 6/2014 on social and health support services, which rounded out the Andorran social protection system, was adopted on 24 April 2014. The social protection system is basically made up of the social security, health, and social and health support systems. The Act provides that social services shall be provided for all citizens, particularly

those in situations of social need, dependency, social exclusion or risk. The Act also establishes a package of social and health support services and a set of technical, economic and technological benefits.

16. On 9 December 2014, a bill on the elimination of gender-based violence and domestic violence was put forward jointly by all the parliamentary groups represented in Parliament. The text, which enjoyed comprehensive cross-party support, was adopted on 15 January 2015.

(c) Civil and political rights

17. The right to vote is a fundamental right enshrined in the Andorran Constitution. Under Qualified Act No. 07/2014 of 24 April 2014, which amended the Qualified Act on Elections and Referendums, the right to vote of Andorran nationals resident abroad is now guaranteed. This legislative amendment makes provision for voting by mail in order to cater for the growing number of Andorran nationals residing abroad for reasons linked to work or studies.

18. Qualified Act No. 17/2014, which amended the Qualified Act amending the Qualified Act amending the Code of Criminal Procedure of 10 December 1998, was adopted on 24 July 2014, broadening the scope of the right to free legal aid, together with other judicial guarantees.

19. Qualified Act No. 19/2014 on Political Parties and Electoral Funding was adopted on 18 September 2014. Prior to its adoption, in the absence of specific relevant legislation, lawmakers had introduced provisions into the Qualified Act on Association of 20 December 2000 in order to give effect to article 26 of the Constitution, which recognizes the right to freely found political parties. Act No. 19/2014 sets out clear rules governing the founding, internal functioning, funding and dissolution of political parties and establishing related penalties, in line with international human rights standards and based on the principles of legality and democracy.

20. On 19 November 2014, in the light of the recommendations made by the Committee against Torture,[13] the Government adopted a decree approving regulations on the carrying and use of firearms and coercive methods authorized for use in detention facilities.

21. Qualified Act No. 30/2014 on Civil Law Protection of the Right to Privacy, Honour and Personal Reputation was adopted on 27 November 2014. It enhances the protection of the above-mentioned rights, providing a clear legal framework with the corresponding guarantees and protection mechanisms, which are separate from those afforded under ordinary law and which enable prompt and satisfactory redress to be provided.

22. Qualified Act No. 34/2014 on Civil Unions was adopted on 27 November 2014, amending the Qualified Act on Marriage of 30 June 1995 and recognizing equal rights for couples in same-sex civil unions.

23. The Criminal Code has been amended a number of times since its entry into force on 23 September 2005 in order to update the country's criminal laws to reflect developments in criminal policy and to fulfil the international commitments made by the Principality of Andorra. Qualified Act No. 91/2010[14] amended four articles of the Criminal Code in order to strengthen the prosecution and punishment of domestic violence.

24. Act No. 18/2012[15] amended the articles relating to the financing of terrorism, in line with recommendations of the Group of States against Corruption (GRECO) of the Council of Europe and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) of the Council of Europe. The same Act also amended the Criminal Code in the light of the obligations arising from the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child

prostitution and child pornography (New York, 2000) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 2007).

25. Act No. 18/2013[16] further amended the Criminal Code, bringing it into line with the provisions of the Lanzarote Convention, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul, 2011) and the Council of Europe Convention on Cybercrime (Budapest, 2001).

26. The most recent amendment to criminal legislation, contained in Act No. 40/2014,[17] was devised to ensure compliance with recommendations made by the Committee against Torture and the Group of Experts on Trafficking in Human Beings of the Council of Europe. The Act increased the sentence for the offence of torture, broadened the definition of the offence of torture in terms of the conduct it covers and placed that offence in the same category as genocide and crimes against humanity, abolishing the statute of limitations in respect of the offence and the punishment therefor. The amendment also created the new offences of trafficking in persons for the purposes of harvesting organs, slavery or servitude, or sexual exploitation and broadened the definition of "discriminatory motive" to include conduct not previously criminalized, such as public incitement to violence, hatred or discrimination against a person or group of persons or the public expression of discriminatory ideologies. Lastly, the amendment criminalizes the attempted justification of genocide and broadens the scope of the offence of justification of genocide to cover preparatory acts linked to both that offence and the offence of denial of genocide.

27. In the light of the recommendation made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Qualified Act No. 41/2014 amending Qualified Act No. 4/2007 of 22 March on prisons establishes that the penalty of solitary confinement must not exceed 14 days if the detainee is elderly or 3 days if he/she is a minor.

2. Bills and legislative proposals

28. At its meeting of 14 January 2015, the Council of Ministers approved the submission of a bill on collective action for consideration by Parliament. In line with article 19 of the Constitution of the Principality of Andorra,[18] the proposed legislation would regulate the right of workers and employers to defend their economic interests. The text was submitted to Parliament on 15 January 2015.

29. An act on patients' rights is currently at the technical drafting stage within the National Bioethics Committee.

B. Human rights promotion and protection bodies

30. Act No. 11/2007 of 17 May 2007 establishing the National Youth Forum of Andorra was superseded by Act No. 39/2014 on the National Youth Forum. The Forum is a statutory body which enables young persons in Andorra to take part freely in political, social and economic life. The Forum's purposes include providing support to Andorran associations and organizations, representing Andorran youth abroad, carrying out information campaigns and participating in the work of public advisory bodies. In its advisory role, the Forum took part in work on the National Social Action Plan (2008–2011) and in the work of the commissions on the National Plan for Equality (2011) and National Youth Plan (2008).

31. The Act on the Elimination of Gender-based and Domestic Violence, adopted on 15 January 2015, provides for the establishment of a National Commission for the Prevention of Gender-Based and Domestic Violence, which will be responsible for ensuring

compliance with the Act and cooperation and coordination among all departments of the public administration which are directly or indirectly involved in dealing with cases of gender-based and domestic violence.

32. The Institute of Andorran Studies, a body with independent legal personality, is made up of two research centres: the Centre for Sociological Research and the Andorran Centre for the Study of Snow and Mountains. The Centre for Sociological Research runs the Andorran Social Observatory and has been working since late 2011 to set up a youth observatory. The Centre carries out research on poverty and social exclusion, immigration, health, tourism and values and is often consulted by the ministries that deal with those matters.

33. A decree amending the regulations governing the National Bioethics Committee was adopted on 9 March 2014. This governmental advisory body is responsible, among other things, for ensuring that human dignity and human rights are fully respected, both in law and in practice, in the fields of medicine, health and research.

C. International treaties

34. At the time of its initial report, the Principality of Andorra was a party to 40 international treaties on the protection of human rights. Between September 2010 and December 2014, Andorra signed or ratified a further 15 instruments, including both optional or additional protocols to the conventions to which it was already party and new international commitments.

1. European human rights protection system

35. On 15 January 2015, Parliament approved the ratification of Protocol No. 15 amending the European Convention for the Protection of Human Rights and Fundamental Freedoms (Strasbourg, 2013).

2. Third-generation rights

36. On 2 March 2011, Andorra ratified the United Nations Framework Convention on Climate Change (New York, 1992).

37. On 7 March 2012, Andorra ratified the European Landscape Convention (Florence, 2000).

38. On 23 July 2012, Andorra ratified the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971).

39. On 7 November 2013, Andorra deposited its instrument of accession to the Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, 2003).

40. In a decision of 29 May 2014, Parliament approved the ratification of the Convention on Biological Diversity (Rio de Janeiro, 1992).

3. Political and civil rights

41. On 23 March 2011, Andorra ratified the European Charter of Local Self-Government (Strasbourg, 1985).

4. Categories of vulnerable persons: The rights of women, minors and persons with disabilities

42. On 23 March 2011, Andorra ratified the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (Luxembourg, 1980).

43. On 6 April 2011, Andorra deposited its instrument of accession to the Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations (The Hague, 1973).

44. On 6 April 2011, Andorra deposited the instrument of accession to the Hague Convention on the Civil Aspects of International Child Abduction (The Hague, 1980).

45. On 23 January 2014, Andorra ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 2007).

46. On 11 March 2014, Andorra ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol (New York, 2006).

47. On 27 November 2013, Andorra signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul, 2001). Andorra ratified the Convention on 22 April 2014. As it was the tenth State to do so, the Convention entered into force in August 2014.

48. On 25 September 2014, as a part of the United Nations Treaty Event, Andorra deposited its instrument of ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

5. The fight against organized crime, corruption and the sale of arms

49. On 22 September 2011, Andorra ratified the United Nations Convention against Transnational Organized Crime.

50. On 23 March 2011, Andorra ratified the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 2005).

51. On 16 October 2014, Parliament approved the ratification of the Additional Protocol to the Criminal Law Convention on Corruption (Strasbourg, 2003).

52. On 9 April 2013, Andorra deposited the instrument of accession to the Convention on Cluster Munitions (Dublin, 2008).

53. On 23 April 2013, the Principality of Andorra signed the Council of Europe Convention on Cybercrime (Budapest, 2001) and its Additional Protocol, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems (Strasbourg, 2003).

54. On 18 December 2014, the Principality of Andorra signed the Arms Trade Treaty (New York, 2013).

III. Follow-up to the recommendations accepted by Andorra at the time of its first universal periodic review (36)

A. Follow-up to programmes and international commitments in the field of human rights

Recommendations 83.13,[19] 83.15,[20] 84.24,[21] 83.8,[22] 83.9[23] and 83.14[24]

55. The Principality of Andorra is aware that it is behind schedule in submitting some periodic reports to the United Nations treaty bodies. In the light of the recommendations received as a part of the first universal periodic review cycle, Andorra has made every effort to submit its periodic reports to the United Nations treaty bodies, but has been unable to do so in all cases.

56. The public administration has limited human resources. However, Andorra attaches great importance to the work of the United Nations treaty bodies and to the timely submission of periodic reports in order to obtain an accurate picture of the human rights situation and improve that situation by acting on recommendations. Accordingly, Andorra will continue to strive to fulfil its international commitments.

57. The Ministry of Foreign Affairs is currently overseeing the preparation of the initial report of Andorra to the Committee on the Elimination of Racial Discrimination, which it hopes to be able to submit in the near future.

58. As to the recommendation on extending a standing invitation to all Human Rights Council special procedures mandate holders in order to facilitate their possible future visits, that invitation was extended on 3 November 2010; however, to date, no visits have taken place.

59. Under the international development cooperation plan of the Ministry of Foreign Affairs,[25] children, women, persons with disabilities and other vulnerable groups are identified as beneficiaries of international development cooperation. Each year, the Government of Andorra updates the plan and its aims and policies to reflect changing priorities. Moreover, on an annual basis, the parish councils carry out work with the Andorran NGO Platform to mobilize Andorran civil society in response to international emergencies.

60. In line with the general guidelines issued by the World Programme for Human Rights Education, the Ministry of Education and Youth has introduced a human rights component into the school curriculum. Human rights training courses have also been set up for public servants and judicial and police officials.

61. As a part of the twenty-ninth session of the Summer University of the Principality of Andorra, held in August 2012, the Ministry of Education and Youth and the University of Andorra jointly organized a lecture series entitled "Europe's Footprints in the World". The lectures were delivered by various experts on human rights in Europe.

62. On 21 and 22 February 2014, training sessions on human rights and the situation in Andorra were held for teachers, with a specific focus on human rights in schools. Information was also made available on the main human rights-related instruments, reports and oversight mechanisms of international organizations such as the United Nations and the Council of Europe. Further such sessions will be held in 2015. In addition, the University of Andorra is planning to hold an annual training event on human rights and democratic citizenship for education sciences students, beginning in 2015. The event will also be open to any teachers interested in updating their knowledge on the subject.

63. The Principality of Andorra also engages in human rights work at the international level. During the Andorran Chairmanship of the Committee of Ministers of the Council of Europe (9 November 2012 to 16 May 2013), Andorra identified education for democratic citizenship and human rights and the promotion of the European Convention on Human Rights as priorities. As a result, a number of Council of Europe initiatives and activities were launched during and have continued since the Andorran Chairmanship.[26]

64. On 4 April 2014, Andorra was invited by the Secretary-General of the United Nations to join the group of 16 Champion Countries for his Global Education First Initiative, the aims of which are to put every child in school, improve the quality of learning and foster global citizenship.[27]

65. During the first universal periodic review cycle, the Principality of Andorra reported on the activities of the Interfaith Dialogue Group and the Andorran National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO). Those activities remain on the agenda of the Government of Andorra. Freedom of opinion, religion and worship is enshrined in article 11 of the Constitution.[28]

B. Children's rights

1. Corporal punishment

Recommendations 83.2,[29] 83.7,[30] 83.10,[31] 83.11[32]

66. The Committee on the Rights of the Child observed, for the first time in 2002, that corporal punishment in school settings was prohibited by law, but expressed its concern that such punishment in the family was not explicitly banned.[33]

67. As a result of this observation, the Principality of Andorra decided to take a comprehensive approach to the issue of domestic violence and launched a reform of the Criminal Code aimed at introducing the amendments needed to criminalize domestic violence and ensure appropriate punitive action in such cases. Act No. 91/2010 of 16 December 2010, amending articles 113, 114, 476 and 478 of the Criminal Code of 21 February 2005, repealed the requirement that ill-treatment in the domestic sphere must be habitual and included a concurrence clause relating to the penalties to be imposed for the harm caused. Hence, the offences covered under articles 113 and 476, which criminalize ill-treatment and/or injury regardless of where they occur, incur harsher penalties when they occur in the domestic sphere because they are always concurrent with the offence covered under article 114. Although a specific law on corporal punishment has not been enacted, existing provisions, namely article 476, paragraph 1, of the Criminal Code, have been amended to bring the legislative framework into line with the requirements of the Convention on the Rights of the Child, as discussed in paragraph 69 below.

Legislative measures in respect of the family setting

68. Corporal punishment in the family is now clearly prohibited and is a criminal offence. Article 113 of the Criminal Code provides for the punishment of anyone who physically mistreats another, which may include situations in which adults or family members mistreat, even once, their children, a minor in their custody or any other minor. Physical and psychological violence against minors in a family setting are provided for more specifically in article 114, paragraph 1, of the Criminal Code, whereby the higher range of the penalty intended for the offence must be imposed when the victim is a minor or when the offence is committed in front of a minor. The penalty is 3 months to 3 years' imprisonment, without prejudice to other penalties that may apply as a result of the harm caused by the violence or corporal punishment suffered by the minor. Under article 115, the

fact that a victim is vulnerable, owing to age or fragility, is a circumstance aggravating the offences defined in the preceding articles.

Legislative measures in respect of the school setting

69. It is important to understand the philosophy behind Andorran criminal law, which does not provide an exhaustive list of situations where corporal punishment might take place; rather, corporal punishment is banned in all situations. Article 113, in combination with article 115, is more than sufficient for a judge to punish those who commit any type of physical violence or ill-treatment against minors in schools. In addition, article 476 on wilful ill-treatment and injury establishes that "any person who inflicts minor physical abuse or physically assaults another person shall be subject to imprisonment or a fine of up to 6,000 euros. If the ill-treatment is deemed to be corporal punishment, the penalty shall be imprisonment." The last sentence was introduced through Act No. 40/2014 of 11 December 2014 in order to dispel any doubt as to the inclusion of corporal punishment under the offence of ill-treatment. Thus, judicial entities have unequivocal authority to hold individuals criminally responsible for such acts, which differ from ill-treatment as previously defined inasmuch as there is a specific subjective element, namely the inflicting of harm which the perpetrator considers to be warranted as a consequence for a prior act by the victim, regardless of whether or not it actually occurred. Article 478 adds coercion and minor threats as punishable behaviour, thereby broadening the coverage of the law to include situations involving children and their parents in which physical assault has been threatened as well as situations in which it has actually taken place.

Awareness-raising campaigns

70. During the 2013–2014 academic year, the Centre for Sociological Research conducted a study on school socialization which revealed that one in every eight children surveyed reported having suffered ill-treatment or bullying at the hands of a fellow pupil. The Centre, in collaboration with the Ministry of Education and Youth, has been running anti-bullying workshops in schools across the country since the 2011–2012 academic year. The purpose of the workshops, whose target audience is 12-year-olds, is to raise pupils' awareness of the importance of speaking up about herd mentality and situations of violence.

2. Full implementation of the Convention on the Rights of the Child

Recommendations 83.3[34] and 83.7[35]

71. With regard to implementation of the obligations under the Convention on the Rights of the Child, especially with regard to reviewing national legislation, it should be noted that the Convention entered into force for Andorra on 1 February 1996. As for the reservations and declarations initially made upon ratification, it should be further noted that Andorra withdrew its declaration regarding articles 7 and 8, on nationality issues, on 22 December 2005.

72. Concerning the minimum age of recruitment and involvement in armed conflicts, it is worth noting that the Principality of Andorra does not have armed forces and considers that no minor should be able to take part in armed conflict or be recruited by State armed forces. Andorra considered it appropriate to draw attention to its disagreement with the provisions of article 38, paragraphs 2 and 3, of the Convention regarding the participation of children in war and their recruitment from the age of 15. Andorra is of the view that the recruitment and participation of children in armed conflict from age 15 should be prohibited and that acceptance of such a possibility runs counter to the very spirit of the Convention.

3. National and international cooperation in the area of children's rights

Recommendation 83.6[36]

73. Since July 2012, Andorra has been a part of the Council of Europe's One in Five campaign, whose objectives include raising awareness of sexual violence among children, families and the general public and promoting ways to prevent it. One of the priorities of the international development cooperation plan of the Ministry of Foreign Affairs[37] is assisting children. In 2011 and 2012, the Government allocated 39 per cent of its development aid budget to projects designed to protect and improve the lives of children. In 2013, the portion allocated to the protection of children was 37 per cent. The annual call for grant applications from the country's non-governmental organizations prioritizes international development projects whose goal is to improve the situation of children.

Examples of funds and programmes dedicated to the protection of children

Voluntary contributions to child protection programmes (euros)	*2010*	*2011*	*2012*	*2013*	*2014*
UNICEF	20 000	20 000	75 000	25 000	25 000
Special Representative of the Secretary-General for Children and Armed Conflict	29 000	25 000	20 000	25 000	25 000
United Nations Fund for Victims of Torture	22 000	15 000	10 000	10 000	10 000

4. Protection of children against violence and sexual exploitation and abuse

Recommendations 84.16[38] **and 83.11**[39]

74. The Principality of Andorra signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse on 29 June 2006 and ratified it on 23 January 2014, thus giving the country an additional tool to protect children. The Criminal Code was amended accordingly to criminalize certain behaviours, such as attempted possession of pornography and accessing child pornography.

75. On 20 March 2012, the Ministry of Health and Welfare and the Julia Reig Foundation signed a cooperation agreement to conduct an independent study on the situation of at-risk children and adolescents in Andorra. The study's findings,[40] which were published in 2013, provide a general picture of the situation of the country's children and adolescents, thus enabling the relevant national agencies to formulate new policies. The study concluded that, although a cross-cutting overview of the situation of children in the country had been obtained, the unavailability of statistical data precluded a more exhaustive analysis. In that connection, Act No. 2/2013 on the public statistics system was adopted on 18 April 2013, making it possible to obtain new data for future research.

C. Women's rights

1. Alignment of national legislation with the Convention on the Elimination of All Forms of Discrimination against Women

Recommendations 84.17[41] and 84.27[42]

76. The Principality of Andorra has considered reviewing its laws in order to raise the minimum age of marriage and thereby comply with the provisions of the Convention. However, it was not deemed necessary to amend the law because it was found that in the past four years there have been no marriages of minors aged 16 to 18 or cases of minors over 14 marrying with judicial authorization.

2. Fight against domestic violence

Recommendations 83.4[43] and 83.19[44]

77. On 22 April 2014, Andorra ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence, which entered into force on 1 August 2014. Ratification led to the adoption of specific amendments to the Criminal Code to bring domestic law into line with the provisions of the Council of Europe Convention and to the tabling by parliamentary groups of a joint bill on the eradication of gender-based and domestic violence, which was adopted on 15 January 2015. The resulting act not only provides for the establishment of the National Commission for the Prevention of Gender-Based and Domestic Violence, but also for multidisciplinary activities to foster a culture of non-discrimination in relation to gender-based and domestic violence and to promote peaceful conflict resolution.

78. The Interdisciplinary Team on Gender Violence was established in 2006 under the Ministry of Health and Welfare for the purpose of providing assistance to women victims of gender-based violence. In addition to providing them with assistance and counselling, the Interdisciplinary Team carries out annual awareness-raising campaigns on the issue of gender-based violence. Every 25 November — the International Day for the Elimination of Violence Against Women — the Interdisciplinary Team gives a press conference on its efforts in the previous year to eliminate gender-based violence. In collaboration with the Ministry of Education and Youth, the Team also runs educational workshops on abusive behaviour in all of the country's educational institutions.

3. General policies and programmes to fight gender discrimination

Recommendations 83.1,[45] 83.4,[46] 83.5,[47] 83.12,[48] 83.17,[49] 83.19[50] and 83.21[51]

79. Steps were taken in various domains during the 2010–2014 period. In light of education's vital role in changing gender stereotypes, the Ministry of Health and Welfare and the Ministry of Education and Youth have engaged in various joint activities, such as campaigns to raise awareness of women's rights. Government entities and civil society take advantage of International Women's Day on 8 March to conduct joint awareness-raising activities. In addition, Andorran schools organize an annual "key issue" day, during which all pupils and teachers focus on a cross-cutting issue related to safeguarding human rights, democracy, civics, interculturalism and elimination of discrimination on grounds such as gender and race. In March 2014, a seminar was held in the capital, Andorra la Vella, to discuss the topic of stereotypes regarding gender and women and how to tackle them. Nine people shared their experience during the seminar, which was open to the general public. Lastly, in its annual call for grant applications from social institutions, the Ministry of

Health and Welfare prioritizes projects whose goal is to raise public awareness about non-discrimination and equality.

80. The Ministry of Health and Welfare is the body responsible for coordinating all policies relating to equality for and non-discrimination against women. While the National Action Plan for Equality was being formulated in 2009–2010, a state secretariat for equality was established, with a specific body for the participation of social institutions, the National Equality Commission. Once the Action Plan had been formulated (2010), as the social institutions were finding it difficult to cover so many participatory forums, all of the participatory councils of the Ministry of Health and Welfare were subsumed under the new Advisory Council on Health and Welfare, which deals with all issues related to equality policies. The Ministry, with the support of the Advisory Council, coordinates the relevant policy efforts of all ministries. Parish councils (local governments) have the authority to implement independent and specific public policies regarding gender equality. A climate conducive to inter-institutional collaboration and dialogue has fostered cooperation between local entities and the central Government, which has taken the form, for example, of joint activities to mark the International Day of the Child, the International Day for the Elimination of Violence Against Women and International Women's Day. Parish councils also organize games and sports activities in highly subsidized childcare facilities and other centres providing extracurricular activities for children and young people, encourage the teaching of equality and promote women's access to the labour market.

81. The network of primary health care and wellness centres, women's associations and NGOs are especially concerned with providing information to women who have been victims of any sort of crime and facilitating their protection and appropriate care. The indirect goal of the awareness-raising campaigns is to address this issue and eliminate gender stereotypes. Behaviour patterns are difficult to change in the short term. Hence, the awareness-raising campaigns and the various school workshops are designed to modify patriarchal behaviour, particularly among the youngest members of society, in order to effect long-term change.

82. In addition to awareness-raising campaigns, the Interdisciplinary Team on Gender Violence runs workshops for children aged 14 to 16 on the prevention of abusive behaviour with the aim of informing them about gender stereotypes and how male and female identities are created, preventing abusive behaviour among couples and encouraging them to think about the factors that contribute to gender-based violence.

83. In order to encourage students to pursue an education in the sciences, the University of Andorra suggested for the first time in 2012 that schools take part in the Children's University project. The project targets pupils aged 11 and 12 and aims to promote science outreach and dispel stereotypes regarding the inaccessibility of scientific knowledge through a programme that conveys technical knowledge in fun and attractive ways. Andorra Telecom, the quasi-public telecommunications company, held an event in 2013 on the occasion of Girls in Information and Communications Technology (ICT) Day to encourage girls to choose careers in engineering and telecommunications. Secondary school girls attended the event, where they were able to share information and experiences with female engineers employed at Andorra Telecom.

84. The general elections of 3 April 2011 warrant particular mention as they resulted in full gender parity in the legislative chamber. This gender balance in Parliament stems not from any specific legislative measure but from the commitment of Andorran society, a commitment that has been maintained and strengthened in parliamentary activities through efforts to raise awareness about women's rights. On 14 December 2011, Parliament paid tribute to the women who, on 30 April 1967, petitioned lawmakers to grant Andorran women the right to vote. On 15 January 2015, an agreement on the promotion of gender equality by Parliament was adopted with the support of all parliamentary groups. The

agreement provides for the drafting of a white paper on the topic, with the support of the Government and the collaboration of the Institute of Andorran Studies and the Ministry of Health and Welfare. The purpose of the white paper is to compile information on the true picture with regard to equality to serve as a basis for the design of a strategy for action by Parliament and other public institutions. The agreement also provides for implementation of the recommendations contained in the Inter-Parliamentary Union's Plan of Action for Gender-Sensitive Parliaments.[52]

4. Policies to ensure equal pay

Recommendations 83.16,[53] 83.18[54] and 83.20[55]

85. Between 2009 and 2013, Andorra adopted legislation introducing standards and mechanisms to improve equality between men and women with regard to working conditions and remuneration and to fulfil the spirit of and the obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

86. Labour law regulates remuneration, including the guaranteed minimum wage, paid overtime and higher wages for night work, which apply equally to men and women. Therefore, the minimum statutory rights that are considered mandatory and inalienable under the labour law are guaranteed for all workers, irrespective of gender, and are monitored and enforced by the Labour Inspection Office. Equal pay for work of equal value and equal treatment in performance evaluations are guaranteed by the principle of non-discrimination, which is enshrined in law, and the principle of the nullity of discriminatory contracts, which ensures that these rights are upheld in practice.

87. Andorra endorsed the Beijing Declaration in 1995 and is a strong proponent of the Beijing Platform for Action. The latest report on implementation of the Platform provides sex-disaggregated data on access to employment, the civil service and managerial posts in the country. There are no noticeable disparities, especially in the public sector. There is, however, a wage gap in most private companies, which can be explained by unequal access to managerial posts and differences in working hours. There is opportunity for improvement in this area: since employment rates and education levels among men and women under age 40 are currently equal, they should also have equal opportunity to work full time and to attain decision-making positions.

88. A tool has been introduced to promote employment equality known as the "seal of effective equality and work-life balance in the workplace". The regulations for the award and use of the seal, adopted on 24 November 2010, establish a distinction to be given in recognition of businesses that stand out for their implementation of equal treatment and work-life balance policies. Businesses that receive the equality seal have also demonstrated a commitment to gender equality in respect of training, remuneration, internal operation of the company and corporate social responsibility.

89. Women's labour rights are further protected through decisions of the administrative authorities and courts. For example, in a case brought by the Labour Inspection Office, the Ministry of Justice and Interior imposed penalties for acts of discrimination on the grounds, *in limine*, that the victim is pregnant (2013).[56] The Supreme Court has also issued a decision (2008)[57] condemning acts of discrimination in the labour sphere.

D. Rights of detained persons

Recommendations 83.22[58] and 83.23[59]

90. Qualified Act No. 4/2007 of 27 March 2007 on prisons establishes as a general principle that the constitutional rights of detainees must be upheld in all areas except those

affected by the sentence and the fact of being imprisoned. It also affirms that the function of prisons is to rehabilitate and socially reintegrate inmates. Prior to taking up their service, Andorran police officers receive training in Spanish or French police academies, where the instruction provided deals with the issues of racism and ethnic discrimination, fundamental rights and the various types of corporal punishment.

91. The Constitution guarantees the presumption of innocence (art. 10, para. 2) and the right of all detainees held for over 48 hours to be brought before a court to determine the lawfulness of their detention (art. 9, para. 2). Established and elaborated by the legislature, these basic, absolute constitutional principles, along with the conditions for the use of pretrial detention and alternatives therefor, are set out in detail in the Code of Criminal Procedure.[60] Deprivation of liberty prior to a definitive judicial ruling on the charges may take several forms. Under the law, a judge may order pretrial detention, which is always considered an exceptional measure,[61] in keeping with the provisions of the law.[62] Detention and release orders may be appealed[63] and alternatives to pretrial detention in holding centres or prisons may be ordered or revoked by a judge at any time, if there are grounds for doing so. Alternative measures may entail placing persons awaiting trial, with their consent, under electronic surveillance or under house arrest, with or without monitoring and subject to various restrictions and conditions.[64] These provisions give judges considerable leeway when deciding what alternatives to pretrial detention may be appropriate, including for serious offences, taking fully into consideration the particulars of the case and the interests of society and the defendant. The Code of Criminal Procedure also specifies that the entire period of pretrial detention or police custody during the investigative phase must be deducted from the final sentence.

92. One of the latest amendments to the Code is Act No. 17/2014, which recognizes the right of all suspects or detained persons who are required to make a statement to the police, or in connection with whom a house search or identity parade is conducted, to be informed immediately of their right, inter alia, to be examined by a forensic physician and also by a doctor of their choice.[65] Pursuant to these latest amendments, suspects are entitled to free legal assistance from the moment they make a statement to the police if the grounds for the investigation indicate that an offence may have been committed, even if the suspect has not been detained or been the subject of an identity parade or house search.[66]

93. Lastly, regarding the reduction of prison terms, article 209 of the Criminal Code provides that, in the case of custodial sentences of more than one month, the sentencing court or judge may, on its or his/her own initiative or on the recommendation of the prison director, and after requesting a report from the Public Prosecution Service, reduce a sentence for good behaviour and cooperation.

E. Labour and workers' rights

Recommendations 83.24[67] and 83.28[68]

94. On 15 January 2015, the Government submitted for parliamentary consideration a bill regulating collective action, on which the views of stakeholders had been sought. The bill is the result of a desire to legislate the fundamental right enshrined in article 19[69] of the Constitution with a view to establishing a legal framework that protects the rights and guarantees of employees and employers with regard to collective action, the right to strike and the right to declare a lockout.

95. The European Social Charter (revised) has been in force in Andorra since 1 January 2005. The Government submits annual follow-up reports on specific articles of the Charter, grouped thematically. The European Committee of Social Rights considers these reports and issues its observations regarding the compliance of Andorran laws with the Charter.

The national report is sent to all of the country's employer and employee organizations every year.

F. Rights of persons with disabilities and other vulnerable groups

Recommendations 84.4,[70] 84.7[71] and 84.10[72]

96. Andorra signed the Convention on the Rights of Persons with Disabilities on 7 September 2007 and ratified it on 11 March 2014, at which time it also ratified the Optional Protocol to the Convention.

97. Since 2 March 2013, the capital, Andorra la Vella, has been a member of the World Health Organization (WHO) Global Network of Age-friendly Cities and Communities, which fosters capacity-building for cities and puts in touch those keen to create responsive, accessible and inclusive environments.

G. Immigrants' rights

Recommendations 83.25,[73] 84.29[74] and 84.30[75]

98. As mentioned in the first section of this report, Act No. 9/2012[76] brought together the various sets of rules on immigration into a single law with the aim of integrating the regulation of passive (non-working) residence, extending and complementing the legal framework relating to the various sets of rules on immigration and providing clarification regarding certain aspects of the interpretation and implementation of the Act.

99. Act No. 10/2012 of 21 June 2012 on foreign investment in the Principality of Andorra establishes that foreigners lawfully residing in the country have the same rights as nationals in respect of setting up and/or being a partner in a business in Andorra; it eliminates the 10-year residence requirement for nationals of France, Portugal and Spain and 20-year requirement for nationals of other countries. Furthermore, foreigners may also practise liberal professions, provided there is a reciprocity arrangement with their country of origin.

100. On 18 September 2013, the Government adopted a decree approving regulations regarding social assistance benefits, which rescinds the 6-month residence requirement for social assistance, child-care subsidies, home-care subsidies and subsidies for children residing in the country. Furthermore, the period of residence required before being entitled to housing benefits was cut from 5 to 3 years, while the period before being eligible for old-age benefits was reduced from 7 to 3 years. The decree removes all minimum residency requirements for access to social assistance in emergency situations.

101. Act No. 6/2014 on social and health support services was adopted on 24 April 2014. It is the first national law to provide for a package of social and health support services and a set of technical, economic and technological benefits available to the entire population. Article 3 of the Act stipulates that: "Access to and the use of benefits, programmes, protocols and services are governed by the principle of equality, without any discrimination whatsoever, and assistance is provided on a basis of equity and responsiveness to the real needs of persons and geographic areas. Affirmative action measures adopted to achieve real equality and social integration shall not be considered in conflict with this principle." The Act further establishes that all persons in an emergency situation in Andorra, regardless of their administrative status, may access the emergency assistance provided for under the Act.

102. The Government has increased the availability of training in Andorran language and culture by expanding the services provided by the Adult Basic Education Centre. The Centre runs decentralized, countrywide courses from January to September with a view to facilitating the integration of immigrants.

103. There is no specific plan for judges and magistrates to receive mandatory human rights training. However, there are cooperation agreements with France and Spain whereby every year these professionals can attend courses and seminars that may include human rights training. Law enforcement officers take specific human rights courses during both basic and in-service training.

104. Act No. 2/2013 on the public statistics system, adopted on 18 April 2013, establishes that public statistics are a public service whose purpose is to provide information on the country's economic, social, cultural, environmental, health, demographic and territorial situation. The adoption of the Act constitutes a step forward in improving the collection and processing of statistical data, which is expected to lead to a concomitant improvement in the design, monitoring and assessment of public policies. Prior to the adoption of the Act, the Department of Statistics was already compiling demographic data, including on immigration. It is expected that the new Act will result in the collection of more detailed data on Andorran society with which to design and assess new policies.

H. Fight against organized crime

Recommendation 84.15[77]

105. Act No. 40/2014 of 11 December 2014 contains the latest amendments to the Criminal Code and introduces new offences. Pursuant to recommendations of the Committee against Torture and the report of the Group of Experts on Action against Trafficking in Human Beings, the title of article 252 of the Criminal Code was changed to "Trafficking of Clandestine Migrants" and the following offences were added: trafficking in human beings for the purposes of harvesting organs, trafficking in human beings for the purposes of slavery or servitude and trafficking in human beings for the purposes of sexual exploitation (arts. 121 bis, 134 bis and 157 bis of the Criminal Code). The penalties for these offences range from 2 to 6 years' imprisonment. The Act also introduced a concurrence clause relating to the penalty for deprivation of liberty, which is considered an aggravating circumstance that endangers the life of the victim and thus increases the criminal responsibility of the perpetrator. The higher range of the penalty is imposed when the victims are especially vulnerable because of their physical or psychological condition or because they have disabilities or are minors.

IV. Conclusions

106. **The detailed information contained in this report highlights the significant progress achieved and the challenges to be met regarding human rights. The Government of Andorra is aware that the promotion and protection of human rights require a commitment and continuous effort by public institutions and civil society. Since the Constitution was adopted in 1993, the country has experienced great economic and social change, resulting in the gradual adoption of specific legislative and political measures designed to ensure the full and effective enjoyment of human rights.**

107. **The Principality of Andorra is fully convinced that international monitoring mechanisms such as the universal periodic review provide States with the opportunity to share best practices in order to improve the human rights situation. Andorra fully**

supports the universal periodic review process and is certain that its participation will provide an added incentive to strengthen its commitment to the promotion and protection of human rights.

Notes

[1] Documento A/HRC/WG.6/9/AND/1.
[2] Según la población registrada (2013). Datos disponibles en el sitio web del Departamento de Estadística: www.estadistica.ad.
[3] Según la población registrada. Datos disponibles en el sitio web del Departamento de Estadística: www.estadistica.ad.
[4] Aprobado mediante el Decreto del 16 de febrero de 2011 de aprobación del Reglamento regulador de las prestaciones económicas de atención social.
[5] Decreto del 19 de febrero de 2014 por el que se aprueba el Reglamento regulador del Programa para el fomento de la contratación indefinida de trabajadores desocupados.
[6] Decreto del 19 de febrero de 2014 por el que se aprueba el Reglamento regulador del Programa para el fomento de la ocupación y la formación en la empresa.
[7] Decreto del 12 de marzo de 2014 por el que se aprueba el Reglamento regulador del Programa de trabajo temporal en beneficio de la colectividad destinado a los ámbitos organizativos de la Administración general y la Administración de justicia.
[8] Decreto del 16 de abril de 2014 por el que se aprueba el Reglamento regulador del Programa para fomentar el trabajo temporal en beneficio de la colectividad por cuenta del *Consell General*, de los *Comuns*, de las entidades paraestatales y de las sociedades públicas.
[9] Decreto del 30 de julio de 2014 de aprobación del Reglamento regulador del Programa de fomento de la ocupación en zonas geográficas alejadas de los principales ejes y núcleos de población.
[10] Aprobado mediante el Decreto de 21 de enero de 2015 de aprobación del Reglamento regulador del Programa para el fomento de la contratación y la formación práctica en la empresa de los jóvenes activos de 16 a 20 años.
[11] Ley 35/2012 de 31 de diciembre, del presupuesto para el ejercicio del 2013.
[12] Ley 3/2014 de 23 de enero, del presupuesto para el ejercicio del 2014.
[13] Párrafo 24 del documento CAT/C/AND/CO/1: *El Comité pide al Estado parte que, antes del 22 de noviembre de 2014, le facilite información sobre el seguimiento que haya dado a las recomendaciones del Comité vinculadas con: a) el acceso de las personas privadas de libertad a un médico de su elección desde el inicio de su privación de libertad; b) la sensibilización y capacitación de los agentes del orden y los funcionarios judiciales; y c) la vigilancia y supervisión estrictas del empleo de las armas de descarga eléctrica, que figuran en los párrafos 8, 13 c) y 19, respectivamente, del presente documento.*
[14] Ley 91/2010, de 16 de diciembre, cualificada de modificación de los artículos 113, 114. 476 y 478 de la Ley 9/2005, de 21 de febrero, cualificada del Código Penal.
[15] Ley 18/2012, de 11 de octubre, cualificada de modificación de la Ley 9/2005, del 21 de febrero, cualificada del Código Penal.
[16] Ley 18/2013, de 10 de octubre, cualificada de modificación del Código Penal.
[17] Ley 40/2014, de 11 de diciembre, cualificada de modificación de la Ley 9/2005, de 21 de febrero, cualificada del Código Penal.
[18] Artículo 19 de la Constitución del Principado de Andorra: *Los trabajadores y los empresarios tienen derecho a la defensa de sus intereses económicos y sociales. La ley regulará las condiciones de ejercicio de este derecho para garantizar el funcionamiento de los servicios esenciales de la comunidad.*
[19] *Recomendación 83.13 (Argelia): Continuar los esfuerzos para presentar los informes periódicos, incluyendo la utilización de la cooperación internacional y la asistencia técnica.*
[20] *Recomendación 83.15 (Eslovenia): Continuar los esfuerzos por responder los cuestionarios enviados por los procesos especiales de los titulares de los mandatos e informar los Órganos de Tratados de las Naciones Unidas dentro de los términos establecidos para así respectar con sus obligaciones internacionales.*

[21] *Recomendación 84.24 (México): Enviar y presentar los informes pendientes de los Órganos de Tratados de las Naciones Unidas de los que Andorra es parte, con el objetivo de obtener una visión actualizada sobre la situación de los derechos humanos en el país.*

[22] *Recomendación 83.8 (Eslovenia): Reforzar los esfuerzos para implantar las resoluciones del Programa Mundial para la Educación de los Derechos Humanos, incluyendo la preparación de un programa nacional y de informes.*

[23] *Recomendación 83.9 (Argelia): Aumentar la cooperación entre el Grupo de Diálogo Interreligioso y la Comisión Nacional de Andorra para la Organización de las Naciones Unidas para la Educación, las Ciencias y la Cultura.*

[24] *Recomendación 83.14 (Hungría): Presentar una invitación permanente a todos los procedimientos del Consejo de los Derechos Humanos para facilitar posibles futuras visitas de los titulares de mandatos.*

[25] Sitio web de la Cooperación Internacional para el Desarrollo del Gobierno de Andorra: http://www.exteriors.ad/es/asuntos-multilaterales-y-cooperaciin/cooperacion-al- desarrollo.

[26] Presentación de las actividades de la presidencia andorrana del Comité de Ministros del Consejo de Europa disponible en el sitio web del Ministerio de Asuntos Exteriores del Principado de Andorra: http://www.exteriors.ad/es/presidencia-de-andorra.

[27] Sitio web de la Iniciativa Global la Educación Ante Todo: http://www.globaleducationfirst.org/.

[28] Artículo 11 de la Constitución del Principado de Andorra: *La Constitución garantiza la libertad religiosa y de culto, y nadie puede ser obligado a declarar o a manifestarse sobre su ideología, religión o creencias.*

[29] *Recomendación 83.2 (Países Bajos): Promulgar e implantar la legislación que inequívocamente prohíba el castigo corporal en el país.*

[30] *Recomendación 83.7 (Suecia): Adoptar todas las medidas necesarias para implantar en su totalidad el Convenio sobre los Derechos del Niño, incluyendo la prohibición de los castigos corporales de los niños en todos los escenarios.*

[31] *Recomendación 83.10 (España): Continuar desarrollando medidas contra la violencia doméstica, el maltrato y el abuso, incluyendo el abuso sexual y, como recomendado por el Comité de los Derechos del Niño, prohibir explícitamente el castigo corporal, no solamente en las escuelas, sino también en la familia.*

[32] *Recomendación 83.11 (Chile): Considerar dirigir estudios sobre la violencia doméstica, maltrato y abuso en la familia, así como la intimidación en la escuela, en concordancia con las recomendaciones del Comité para los Derechos del Niño.*

[33] Párrafo 39 de las observaciones finales del Comité al Informe inicial de Andorra (CRC/C/15/Add.176) *El Comité expresa su preocupación por la falta de datos e información sobre el maltrato y abandono de los niños. Además, aunque toma nota de que los castigos corporales en la escuela están prohibidos por la ley, le preocupa no obstante que los castigos corporales en la familia no estén prohibidos expresamente.*

[34] *Recomendación 83.3 (Brasil): Considerar la retirada de su declaración hecha a la ratificación del Convenio sobre los Derechos del Niño, y continuar y completar su revisión de la legislación para asegurar una total conformidad con el Convenio.*

[35] *Recomendación 83.7 (Suecia): Adoptar las medidas necesarias para implantar en su totalidad el Convenio sobre los Derechos del Niño, incluyendo la prohibición de los castigos corporales de los niños en todos los escenarios.*

[36] Recomendación 83.6 (Hungría): Progresar para mejorar la cooperación con las organizaciones no gubernamentales activas en la protección de los niños a nivel nacional e internacional.

[37] Sitio web de la Cooperación Internacional para el Desarrollo del Gobierno de Andorra: http://www.exteriors.ad/es/asuntos-multilaterales-y-cooperaciin/cooperacion-al-desarrollo

[38] *Recomendación 84.16 (Moldavia): Firmar el Convenio del Consejo de Europa para la protección de los niños contra la explotación y el abuso sexual.*

[39] *Recomendación 83.11 (Chile): Considerar dirigir estudios sobre violencia doméstica, maltrato y abuso en la familia, así como la intimidación en la escuela, en concordancia con las recomendaciones del Comité para los Derechos del Niño.*

[40] Estudio disponible en el sitio web: http://www.fundaciojuliareig.ad/wp-content/uploads/2013/05/mata.pdf.

[41] Recomendación 84.17 (Azerbaiján): Considerar la verificación de la legislación existente, incluyendo la ley marital para cumplir con el Convenio sobre la Eliminación de todas las Formas de Discriminación contra la Mujer.

[42] *Recomendación 84.27 (Canadá): Revisar la legislación existente, incluyendo la Ley Marital para cumplir con el Convenio sobre la Eliminación de todas las Formas de Discriminación contra la Mujer.*

[43] *Recomendación 83.4 (España): Continuar desarrollando la legislación y las políticas para asegurar una efectiva igualdad de género y para luchar contra la violencia de género.*

[44] *Recomendación 83.19 (Argentina): Reforzar las medidas educativas e intensificar la cooperación con las organizaciones de la sociedad civil y los medios de comunicación, con el objetivo de eliminar los estereotipos tradicionales que perpetúan la discriminación y la violencia contra la mujer.*

[45] *Recomendación 83.1 (Azerbaiján): Controlar el impacto de la legislación, de las políticas y de los programas para eliminar la desigualdad entre las mujeres y los hombres y avanzar con el objetivo de garantizar la igualdad de los derechos.*

[46] *Recomendación 83.4 (España): Continuar desarrollando la legislación y las políticas para asegurar una efectiva igualdad de género y para luchar contra la violencia de género.*

[47] *Recomendación 83.5 (Hungría): Basarse en la perspectiva de género para diseñar políticas y programas en el futuro.*

[48] *Recomendación 83.12 (Chile): Continuar considerando la incorporación de una perspectiva de género en las políticas y en los programas, según las recomendaciones del Comité sobre la Eliminación de la Discriminación contra la Mujer.*

[49] *Recomendación 83.17 (Países Bajos): Implantar medidas para eliminar los estereotipos tradicionales sobre las mujeres, especialmente a través de programas educativos y aplicar una perspectiva de género para el diseño de futuras políticas y programas.*

[50] *Recomendación 83.19 (Argentina): Reforzar las medidas educativas e intensificar la cooperación con las organizaciones de la sociedad civil y los medios de comunicación, con el objetivo de eliminar los estereotipos tradicionales que perpetúan la discriminación y la violencia contra la mujer.*

[51] Recomendación 83.21 (Canadá): Iniciar mecanismos para asegurar que un enfoque de género es incorporado a las futuras políticas y programas.

[52] Plan de Acción para los Parlamentos Sensibles al Género. Disponible en: http://www.ipu.org/pdf/publications/action-gender-sp.pdf.

[53] *Recomendación 83.16 (México): Según el artículo 87 del Código Laboral, proceder a través de la creación de un marco de igualdad distintivo que incite las empresas a promover una política de igualdad salarial entre hombres y mujeres.*

[54] *Recomendación 83.18 (Hungría): Compartir experiencias a partir del instrumento de igualdad de género, el "marco de igualdad", con otros países.*

[55] *Recomendación 83.20 (Argentina): Adaptar la legislación laboral y mejorar las prácticas existentes con el objetivo de garantizar una igualdad salarial para la mujer y superar cualquier desigualdad salarial.*

[56] Resolución SIT-J13/12. *C) Una sanción, por importe de 3.001€, por la infracción muy grave, en grado mínimo, prevista en el artículo 159 apartado 3, por las decisiones unilaterales de la titular administrativa del negocio, que han implicado discriminación en materia de las condiciones de trabajo de la Sra. T. mediante la modificación no motivada de las condiciones horarias, de descanso semanal y de lugar de trabajo, con menoscabo de los plazos mínimos y de les causas que lo motivaban que, todo indica, tuvieron su origen en la situación de embarazo de la Sra. T. y en la imposibilidad de no haber podido instar su despido no causal a mediados del mes de diciembre de 2011.*

[57] Tribunal Superior de Justicia – Sala Civil, núm. TSJC-359/07 del 27 de marzo de 2008. S- *"(...) nunca el empresario ha de abusar de su derecho, y utilizarlo para humillar o perjudicar a un empleado por razones personales. En el caso de autos, la prohibición hecha a la Sra.... de tomar café y de hablar con otros empleados, constituye, además de un claro abuso de poder, una medida arbitraria y de discriminación que no puede tolerarse. También constituye un abuso del poder de dirección y una medida arbitraria y de discriminación el hecho de cambiar súbitamente el régimen de vacaciones (...). La suma de todos estos actos que vulneran los principios de igualdad de trato, de prohibición de la arbitrariedad y de no discriminación contemplados en el artículo 55 de la Ley*

sobre el contrato de trabajo, ha tenido como consecuencia originar un ambiente de acoso para la Sra....., gravemente vejatorio y ofensivo a su dignidad como persona, justificando su desistimiento".

[58] *Recomendación 83.22 (Hungría): Introducir medidas prácticas, como instrumentos alternativos, para reducir los periodos de reclusión.*

[59] *Recomendación 83.23 (Estados Unidos de América): Aplicar medidas para reducir el número de detenidos en prisión preventiva a través de dispositivos más liberales de fianza, particularmente aquellos que han sido detenidos por un delito menor.*

[60] Art.103-111, Código de procedimiento penal, texto refundido (Ley del 16 de febrero de 1989, modificada múltiples veces; última modificación Ley núm.40, cualificada del 11/12/2014).

[61] Art.103. Codigo de procedimiento penal.

[62] Apartados 1 a 6 del art. 103 del Código de procedimiento penal.

[63] Art.105 del Código de procedimiento penal.

[64] Art.110.2 del Código de procedimiento penal: estas condiciones pueden ser por ejemplo una fianza, el justificar el ejercicio de un trabajo regular, presentarse en términos prefijados al juez o otras autoridades, entregar la documentación de identidad y aceptar de no quitar el territorio de Andorra, seguir un tratamiento médico, no conducir, etc.

[65] Art.24 g) del Código de procedimiento penal.

[66] Art. 24 d) del Código de procedimiento penal.

[67] *Recomendación 83.24 (Estados Unidos de América): Codificar en la ley el derecho de organizar y de negociar en colectivo.*

[68] *Recomendación 83.28 (España): Regularizar y garantizar los derechos de los trabajadores de conformidad con los estándares de la Carta Social Europea, a través de un diálogo con agentes y actores sociales, y buscando el máximo consenso parlamentario.*

[69] Articulo 19 de la Constitución del Principado de Andorra: *Se reconoce el derecho de creación y funcionamiento de organizaciones empresariales y sindicales. Sin perjuicio de su vinculación con organismos internacionales, estas organizaciones deberán ser de ámbito andorrano, disponer de autonomía propia sin dependencias orgánicas extranjeras y funcionar democráticamente.*

[70] *Recomendación 84.4 (Argentina): Formar parte del Convenio sobre los Derechos de las Personas con Discapacidad y su Protocolo Opcional.*

[71] *Recomendación 84.7 (Argelia): Continuar con su compromiso respecto a la ratificación de convenios internacionales a través de la ratificación de instrumentos fundamentales como el Convenio sobre los Derechos de las Personas con Discapacidad.*

[72] *Recomendación 84.10 (España): Ratificar el Convenio sobre los Derechos de las Personas con Discapacidad.*

[73] *Recomendación 84.25 (Canadá): Asegurar una protección efectiva de los derechos de los extranjeros que residen en el país, y promover activamente las políticas contra la discriminación, incluyendo la aplicación de las prácticas de las fuerzas del orden.*

[74] *Recomendación 84.29 (Turquía): Establecer un sistema de colecta de datos que permita evaluar cuantitativamente la situación de los inmigrantes con problemas en áreas como el trabajo y el acceso a los cargos públicos, e instaurar medidas para resolver estos problemas.*

[75] *Recomendación 84.30 (Marruecos): Establecer un sistema de colecta de datos para evaluar de mejor manera la situación de los inmigrantes, y consolidar esfuerzos para asegurar que sus derechos respetados.*

[76] Ley 9/2012, de 31 de mayo, de modificación de la Ley cualificada de inmigración.

[77] *Recomendación 84.15 (Moldavia): Aplicar el Protocolo Adicional del Convenio de las Naciones Unidas sobre la Delincuencia Transnacional Organizada para prever, procesar y sancionar el tráfico humano, particularmente el tráfico de mujeres y niños.*